

App. No. 10/085,393  
App. Dated Aug. 8, 2003  
Reply to Office Action of May 9, 2003

### REMARKS

In the Office Action dated May 9, 2003, claims 1, 2, 5, 6 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Bergmann, claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bergmann in view of Pan et al.. These rejections are traversed and overcome as follows.

Bergmann discloses an attenuator which has an input fiber, an output fiber and a transparent garnet film which is disposed between the input and output fibers. The garnet film is ferromagnetic and exhibits multiple magnetic domain types such that an optical signal will experience a +/- polarity rotation as it passes through the film. The application and adjustment of a magnetic field to the garnet film controls the "spreading" or "shrinking" of magnetic domain types, and thus the amount of optical signal cancellation of different polarity signals and, therefore, the degree of attenuation at the output of the arrangement. The attenuator of Bergmann must have an adjustable external magnetic field for controlling the magnetic domains in the garnet film. The garnet film is fixed, and the attenuator realizes the attenuation of the output signals by adjusting the EXTERNAL magnetic field applied on the garnet film. Bergmann has nothing to do with the angular rotation of a physical refractor between the input and output fibers required by the invention.

However, oppositely the attenuator of the present invention doesn't have the adjustable external magnetic field. Also, the refractor of the attenuator of the present invention is rotatable around an axis perpendicular to the optical axis of the attenuation. Furthermore, the attenuator of the present invention has a rotatable mechanism with the refractor mounted thereon.

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Since Bergmann does not have every element of each of rejected claims 1, 2, 5, 6 and 8, it is submitted that the optical attenuator of the present application would not be anticipated by Bergmann. Applicant asserts that the rejection under 35 U.S.C. 102(e) of claims 1, 2, 5, and 8 is improper, and is, in any event, now overcome, and respectfully requests that the rejection be withdrawn.

In the Office action, applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(a) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

U.S.C. 103(c) says that subject matter developed by another person, which qualified as prior art only under one or more subsections (e), (f) and (g) of section of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. In the present application, all the inventors of the present application have assigned their inventions to FOXCONN INTERNATIONAL, INC., so the applicant asserts that the problems mentioned above do not apply to the present application.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bergmann in view of Pan et al.. It is submitted that one of ordinary skill in the art could not derive the optical attenuator of the present invention in light of Bergmann and Pan et al..

Firstly, The attenuator of the present invention as claimed in claim 4 comprises a rotatable mechanism, a refractor and a holder. The refractor is mounted on the rotatable mechanism, the rotatable mechanism is rotatably mounted on the holder. The attenuator of the present invention realizes attenuation by rotating the rotatable mechanism. The

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attenuator of Bergmann realizes attenuation by controlling the adjustable extend magnetic field applied on the garnet film. All elements of the attenuator are position fixed. Bergmann fails to disclose a rotatable mechanism. Pan et al. discloses a holder a Faraday rotator and two birefringent crystals. One of ordinary skill in the art could not obviously derive the optical attenuator of the present invention in light of the two references.

Secondly, the Faraday rotator of Pan et al. is an element for rotating a polarization direction of a passing light, and is fixed in the holder. It is not suggested in Bergmann and Pan et al. to realize such a holder to mounted a rotator which can freely rotate on the holder.

Therefore, it is submitted that the optical attenuator of the present application would not be obvious to one of ordinary skill in the art by considering Bergmann and Pan et al.. Applicant asserts that the rejection under 35 U.S.C. 103(a) of claim 4 is improper, and is, in any event, now overcome, and respectfully requests that the rejection be withdrawn.

Masuda et al., Pan, Cheng, Han et al., Kim et al. and Takahashi also fail to disclose such an attenuator of the present invention.

Claims 10-15 also define the patentable features as claims 8, and are also believed to be in condition for allowance.

In view of the foregoing amendments and remarks, applicant respectfully submits that claims 1-15 are in condition for allowance, and requests that the application be passed to issuance.

Respectfully submitted,  
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